

REMARKS

Reconsideration of the application is requested.

Claims 9-15, 17, 18, and 19 are now in the application. Claims 9-15, 17, 18, and 19 are subject to examination. Claims 9, 10, and 14 have been amended. Claim 19 has been added.

An RCE has been filed concurrently with this response.

In response to the appeal brief filed on August 25, 2008, the Examiner has vacated the Office action mailed on May 23, 2008 and mailed a new Office action on October 28, 2008. This paper is in response to the Office action mailed on October 28, 2008.

Under the heading "Claim Rejections – 35 USC § 103" on page 2 of the above-identified Office Action, claims 9-15, 17, and 18 have been rejected as being obvious over U.S. Patent No. 6,211,478 to Schoenemann et al. in view of U.S. Patent No. 2,504,906 to B.G. Tremblay under 35 U.S.C. § 103.

In the Response to arguments on page 5 of the Office action, the Examiner alleged that the contact fingers 33 along with the spring 30 and the support ring 31 qualify as a hollow cylindrical body.

Applicants believe that the claimed terms “hollow-cylindrical basic body” necessarily require that the body has a substantially continuous outer surface or wall. Applicants also believe that the plurality of circumferentially distributed contact fingers 33 that are taught by Schoenemann et al. do not form a hollow-cylindrical basic body because they do not form a substantially continuous outer surface or wall. In an attempt to avoid the filing of another appeal, claim 9 has been amended to even further clarify this feature.

Support for the changes can be found by referring to Fig. 3, for example, which shows that the hollow cylindrical basic body 6a has a substantially continuous outer circumferential wall. Furthermore, Merriam Webster’s Online Dictionary defines the term “cylindrical” as “relating to or having the form or properties of a cylinder”. Merriam Webster’s Online Dictionary defines the term “cylinder” as “the surface traced by a straight line moving parallel to a fixed straight line and intersecting a fixed planar closed curve”. Such a surface would be a substantially continuous surface.

Claim 9 now specifies that at least one of said rated current contact pieces has a hollow-cylindrical basic body formed with a substantially continuous outer circumferential wall having a front end facing a switching path of the switching device; and that the front end of the circumferential wall is covered by an arc resistant material.

The plurality of circumferentially distributed contact fingers 33 that are taught by Schoenemann et al. do not form a substantially continuous outer surface or wall. The support ring 31 that is taught by Schoenemann et al. does not have circumferential wall with a front end covered by arc resistant material.

Even if there were a suggestion to combine the teachings of Schoenemann et al. and Tremblay, the invention as defined by claim 9 would not have been obtained for the reasons given above with regard to the teaching in Schoenemann et al.

Claim 19 has been added to even further distinguish the invention from the prior art. Support for the claim can be found by referring to the ring 9 shown in Fig. 1 and to the translated specification at page 8, line 26 through page 9, line 27.

Claim 19 specifies that a ring, which made of arc-resistant material, is attached to the front end of the circumferential wall of the hollow-cylindrical basic body.

The Examiner has alleged that the contact fingers 33 along with the spring 30 and the support ring 31 of Schoenemann et al. qualify as the claimed hollow cylindrical body. The Examiner has also referred to the ring 34 of Schoenemann et al. The ring 34 includes a contact zone 38, and the Examiner has alleged there is a suggestion to make the contact zone of arc resistant material of a plurality of metals with an electroplated surface. Applicants point

out, however, that the ring 34 is not located on the alleged hollow cylindrical basic body, namely the contact fingers 33. Rather the ring 34 forms the rated-current contact 6 that switchably contacts the moveable rated-current contact 8 that is formed by the contact fingers 33 (See column 5, lines 12-27).

Even if there were a suggestion to combine the teachings of Schoenemann et al. and Tremblay, the invention as defined by claim 19 would not have been obtained.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 9. Claim 9 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 9.

In view of the foregoing, reconsideration and allowance of claims 9-15, 17, 18, and 19 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$130.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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